

4. Love's is an Oklahoma corporation that maintains its principal place of business or "nerve center" in Oklahoma City, Oklahoma.. (Petition ¶ 2.) Therefore, Love's is a citizen of Oklahoma. 28 U.S.C. § 1332(c)(1).

5. Plaintiff is seeking in excess of \$75,000.00, exclusive of interest and costs. The party seeking removal on diversity jurisdiction grounds bears the burden of demonstrating that the amount-in-controversy requirement is satisfied. The removing party may meet its burden by presenting evidence of "a plaintiff's conduct and representations, including settlement offers by the plaintiff exceeding the jurisdictional amount...or an extensive list of serious and disabling injuries suffered by the plaintiff." *Neighbors v. Muha*, No. 05-472-CV-W-GAF, 2005 WL 2346968, at *2 (W.D. Mo. Sept. 26, 2005). Plaintiff previously tendered a settlement demand, requesting \$300,000. (*See* Settlement Demand, attached as Exhibit B).

6. Further, in his petition, Plaintiff alleges that:

- (a) He has suffered severe injuries, including injuries to his right knee and ankle;
- (b) He has suffered in the past from non-pecuniary harm such as pain and mental anguish due to his physical injury, and will continue to suffer such damages in the future; and
- (c) He has suffered wage-loss damages and will do so in the future.

(Petition ¶ 11.)

7. Plaintiff's allegations that he suffered severe and permanent injuries and emotional distress, along with Plaintiff's previous settlement demand four times the \$75,000 jurisdictional threshold, establish that the amount-in-controversy requirement is satisfied in this case.

8. This Court has now, and had when the action was commenced, original diversity jurisdiction under 28 U.S.C. § 1332(a), as there is complete diversity of citizenship between

Plaintiff and Love's and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

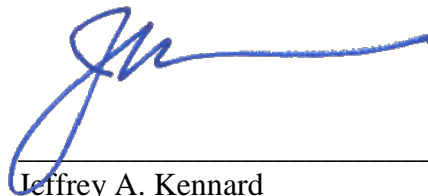
9. Venue is proper under 28 U.S.C. § 1391 because the events Plaintiff alleges gave rise to his claims occurred in this judicial district.

10. By filing this Notice of Removal, Love's does not intend to waive, and hereby reserves, any objection as to service, personal jurisdiction, and all other defenses.

11. This Notice of Removal is being served on counsel for Plaintiff on this date. Love's promptly will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Greene County, Missouri.

WHEREFORE, this action is hereby removed from the Circuit Court of Greene County, Missouri to the United States District Court for the Western District of Missouri, Western Division.

Respectfully submitted,



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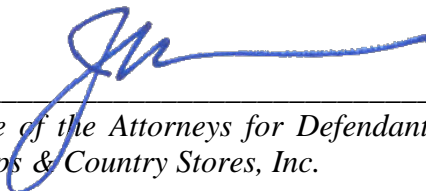
*Attorneys for defendant Love's Travel Stops &
Country Stores, Inc.*

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Removal was served by regular U.S. mail, postage prepaid, this 10th day of July, 2019, upon the following:

David N. Poe
Mark Cantor
CANTOR INJURY LAW
12283 Olive Boulevard
St. Louis, Missouri 63141

Attorneys for Plaintiff



*One of the Attorneys for Defendant Love's Travel
Stops & Country Stores, Inc.*